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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,041	08/08/2000	Frederick W. Ryan JR.	F-175	5187

7590 12/19/2001

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EXAMINER
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FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 12/19/2001

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/634,041

Applicant(s)

RYAN ET AL.

Examiner

Joseph A. Fischetti

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-33 is/are pending in the application.
- 4a) Of the above claim(s) 17-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

Claims 17-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 8.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-5,8-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation of not revealing an identity is read as a negative limitation and cannot be given weight as it is presently recited in claim 1. Applicant needs to make a recitation of the steps which positively recite how some data can be received i.e. the tax amount and how other data such as URLs etc cannot be so transmitted.

Claim 12 proper conduct needs to be defined.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chong in view of Francisco et al. and Appendix A of RFP 6/1/200 and Himmel et al.

Chong discloses a method of collecting information on remote sales by buyers(col. 4 lines 46-52);calculating correct tax for jurisdiction (col 4 lines 61-62); collecting by sellers the correct sales tax and/or use tax (col. 1, line 18) and segmenting see appendix G of Chong, but not by agent. However there is no disclosure of collecting by an agent, and paying of taxes to respective jurisdictions.

However, Francisco et al. do and Appendix A of RFP 6/1/200 disclose collecting by an agent and paying the sales tax (col.1 lines45-50)/p.25 Model 1. It would be obvious to modify the method of Chong to use the collecting and paying agent disclosed in Francisco et al. to effect delivery of tax revenues to the collecting authority since it would lessen the retailer not paying the tax to the state authorities as suggested by Francisco et al. at col.2 lines 19-25. Whether the segmenting occurs by the retailer as disclosed by Chong or at the agent is deemed to be a matter of mere reversal of steps.

While neither of the above references discusses the feature of anonymity between the payer and the taxing jurisdiction official notice is taken with respect to the old and notorious use of restricting access to records or redacting data, especially regarding personal identities before governmental bodies. Notwithstanding this, Himmel et al. disclose using a restricting access step to files in an internet environment. It would be obvious to modify the above combination with an access restricting step because it is desirable to keep the payee anonymous in tax situations.

Re claim 2: see step 71

Re claim 3: see Appendix G of Chong.

Re claims 5,8 see col.6 lines 45-70 of Chong.

Re claim 9, see Appendix A of Chong

Re 10 see Francisco et al. col. 8 lines 15-21.

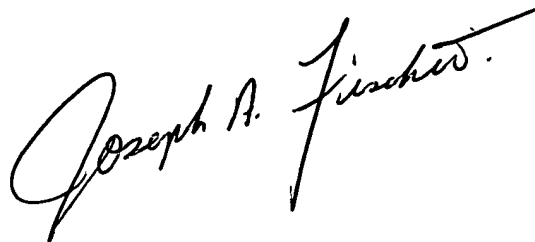
Re claim 12, the use of the main frame system provided by Francisco et al. (see col.8 lines 22-34) which inherently allows for the type of monitoring recited which is deemed to be a mere obvious variant of the systems disclosed. Note that RFP Model 2 discloses Audit of the system and the proposed ways as recited in these claims amount to no more than recognized audit procedures. Like wise regarding the remaining claims dealing with notice review and access of information the use of such a network would lend itself to like obvious variants.

Claim <sup>is</sup> 6 ~~are~~ rejected under 35 U.S.C. 103(a) as being unpatentable over Chong in view of Francisco et al. and Appendix A of RFP 6/1/200 and Himmel et al. as applied to claims 1-5, 8-~~16~~ above, and further in view of Longfield. Long filed discloses the filing of tax returns and the financing by an agent. It would be obvious to provide such a feature for the agent in the above proposed combination because this would desirably reduce steps.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, reading "Joseph A. Fischetti". The signature is written in a cursive style with a long, sweeping underline.